

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GARY GIESELMAN,)
)
Plaintiff,)
)
vs.) Case No. 4:10CV1619 RWS
)
VALERIA WILSON JACKSON, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on its review of the file. Defendants Valeria Wilson Jackson and Vernon Wilson move to set aside the entries of default entered by the Clerk of the Court on November 9, 2010. Default judgment has not been granted. Because defendants having shown adequate cause and asserted potentially meritorious defenses, in the interests of justice I will exercise my discretion to set aside the entries of default. I will also grant defendants leave to file their answer and amended answer out of time.

Having reviewed the briefs, I will also grant plaintiff's motion for a continuance to respond to defendants' motion for summary judgment. Plaintiff has made a sufficient showing that discovery is necessary before he can properly respond to the pending motion for summary judgment. The case is newly-filed, and no scheduling conference or discovery has taken place. The parties should

include in their joint proposed scheduling plan a proposed time frame and, if necessary, discovery schedule for plaintiff to respond to the pending motion.

Accordingly,

IT IS HEREBY ORDERED that defendants' motions to set aside entry of default [#39], motion for leave to file answer out of time [#43], and motion for extension of time to file amended answer [#45] are granted.

IT IS FURTHER ORDERED that plaintiff's motion to continue defendants' motion for summary judgment [#34] is granted.

IT IS FURTHER ORDERED that plaintiff's motion for an extension of time respond to defendants' motion for summary judgment [#48] is denied as moot.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of November, 2010.